

# HELLERSTEIN & COMPANY

February 3, 2022

VIA ECF

The Honorable Ona T. Wang  
United States Magistrate Judge  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

Re: In re Application of Vale S.A. et al., No. 20-mc-199-JGK-OTW

Dear Judge Wang:

I write on behalf of Perfectus to bring to Your Honor's attention egregious misconduct on the part of Vale counsel in conducting the Rule 30(b)(6) of Perfectus.

By letter dated December 17, 2021, Vale counsel requested a deposition of Perfectus and of Gregg Blackstock to examine two matters: 1) certain alleged gaps and delays in the production of documents; and 2) discrepancy in various organizational charts produced.

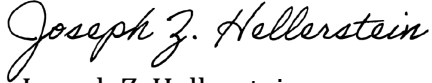
On January 6, 2022, Your Honor granted Vale's request for a deposition of Perfectus, but not of Gregg Blackstock. In compliance with Your Honor's Order, Perfectus designated Gregg Blackstock to appear on its behalf and answer questions on the above matters. Indeed, Vale counsel knew that Mr. Blackstock would be the person designated to testify on behalf of Perfectus, since he is the sole representative of Perfectus. Nevertheless, Vale counsel circumvented Your Honor's order by using the deposition of Perfectus, the corporate entity, to extract confidential information regarding Gregg Blackstock's personal business dealings and other entities for which Mr. Blackstock serves as a director that are not under subpoena. Although I objected to the line of questioning as being outside the scope, Your Honor had instructed counsel to refrain from instructing the witness not to answer. Moreover, knowing that these other entities for which Mr. Blackstock serves as director were not represented by counsel at the deposition, Vale counsel attempted to extract privileged and confidential information from Mr. Blackstock regarding those entities and then argued that I had no standing to assert privilege.

We, therefore, respectfully request that Vale counsel be sanctioned, that the portions of the deposition transcript that are outside the scope of the ordered deposition be held confidential and/or privileged, as the case may be, and that Vale and all other parties be precluded from using any such information for any purpose.

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We refrain from filing the Rough Draft of the Transcript at this time, since many parties have access to these filings, and we would like the transcript to remain confidential. We are prepared to file the transcript under seal and direct Your Honor to the material that is outside the scope.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph Z. Hellerstein". The signature is written in a cursive, flowing style.

Joseph Z. Hellerstein